



## **HEADQUARTERS POLICY FLASH**

### **POLICY FLASH 2005-41**

DATE: June 29, 2005  
TO: Procurement Directors  
FROM: Office of Procurement and Assistance Policy, ME-61  
Office of Procurement and Assistance Management  
SUBJECT: Department of Energy Rulemaking on Research Misconduct

SUMMARY: This Policy Flash distributes the Department's interim final rules on research misconduct that were published in the Federal Register on June 28, 2005 and are effective on July 28, 2005. These rules includes a general statement of policy and standard financial assistance and procurement requirements that implement the government-wide policy on research misconduct issued by the White House Office of Science and Technology Policy.

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The attached Federal Register Notice promulgates a new 10 CFR Part 733, "Allegations of Research Misconduct," and amends the financial assistance and procurement regulations as follows:

#### **Amendments to the DOE Acquisition Regulations (DEAR):**

- Adds § 935.070, Research misconduct, and § 935.071, Contract clause, which prescribes the inclusion of the research misconduct clause.
- Adds a new research misconduct clause at § 952.235-71.
- Amends § 970.5204-3, Access to and ownership of records, to provide that records generated by a management and operating contractor during the course of responding to allegations of research misconduct will be considered owned by the contractor.

**Amendment to the DOE Assistance Rules:** Adds a new section on research misconduct at 10 CFR 600.31.

#### **Contracting Officer's Responsibilities**

Contracting Officers must:

1. Insert the DEAR changes in applicable solicitations issued on or after the effective date of this rule, and may, at their discretion, include these DEAR changes in solicitations issued before the effective date of this rule, provided award of the resulting contract(s) occurs on or after the effective date.
2. Modify existing management and operating (M&O) contracts involving research at the next fee negotiation/annual renewal after the effective date of this rule.
3. Apply the DEAR changes to M&O contracts that involve research when the contract is extended in accordance with the Department's extend/compete policies or when an option is exercised.
4. Advise Trudy Wood in the Office of Procurement and Assistance Policy (See e-mail address below) when applicable DOE M&O contracts have been modified and Scott Clemons in the National Nuclear Security Administration at [scott.clemons@nnsa.doe.gov](mailto:scott.clemons@nnsa.doe.gov) when applicable NNSA M&O contracts have been modified.

If you have questions regarding the research misconduct requirements or this Policy Flash, contact Trudy Wood at 202 287-1336 or by e-mail at [trudy.wood@hq.doe.gov](mailto:trudy.wood@hq.doe.gov).

Attachment



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